

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Mark Fletcher,

Complainant,

vs.

Union Pacific Railroad Company,

Defendant.

Case 13-08-011
(Filed August 5, 2013)**ORDER EXTENDING STATUTORY DEADLINE****Summary**

This decision extends the statutory deadline in this proceeding to February 5, 2015.

Background

Public Utilities Code Section 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of the date that they are initiated unless the Commission makes findings as to why that deadline cannot be met and issues an order extending that deadline. The 12-month deadline for resolving this proceeding ends on August 5, 2014.

On August 5, 2013, Mark Fletcher (Complainant) filed a complaint Case (C.) 13-08-011, seeking that the Commission resolve the dispute with Union Pacific Railroad Company (Defendant), regarding safe alternate access to his

property. Complainant proposes that there is an alternate access north of his property paralleling the railroad tracks and utilizing the existing crossing at Phillips Road.

On September 18, 2013, Defendant filed its answer to the complaint alleging that Public Utilities Code Section 7537 only entitles Complainant to access over land that he owns. On November 20, 2013, Defendant filed a motion to dismiss the complaint.

The assigned Administrative Law Judge (ALJ) has conducted his investigation and research into the motion to dismiss the complaint, but additional time will be needed to prepare a decision due to a personal family matter that has required the assigned ALJ to be away from the Commission.

Therefore, it is necessary to extend the statutory deadline of this proceeding until February 5, 2015, to allow the assigned ALJ sufficient time to prepare the proposed decision.

Waiver of Comment Period

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of proposed decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to this rule, the otherwise applicable period for public review and comment is waived.

Assignment of Proceeding

Carla J. Peterman is the assigned Commissioner and Robert Mason is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. The 12-month deadline for resolving this complaint case is August 5, 2014.

2. An extension of time until February 5, 2015, is necessary to allow the assigned ALJ sufficient time to prepare the proposed decision.

Conclusions of Law

1. The statutory deadline imposed by Public Utilities Code Section 1701.2(d) should be extended until February 5, 2015.

2. This order should be effective immediately.

IT IS ORDERED that the statutory deadline in this proceeding is extended until February 5, 2015.

This order is effective immediately.

Dated _____, at San Francisco, California.